United Nations A/HRC/29/L.23

General Assembly

Distr.: Limited
30 June 2015

Original: English

Human Rights Council
Twenty-ninth session
Agenda item 4
Human rights situations that require the Council's attention

Croatia,* Cyprus,* Djibouti,*France, Montenegro, New Zealand,* Somalia:* draft resolution

29/... Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 20/20 of 6 July 2012, 23/21 of 14 June 2013 and 26/24 of 27 June 2014,

Commending the commission of inquiry on human rights in Eritrea for completing its work in a transparent, impartial and consultative manner,

Deeply regretting the lack of cooperation by the Government of Eritrea with the commission of inquiry and the Special Rapporteur on the situation of human rights in Eritrea, including the lack of access to the country,

Stressing the importance of the first-hand accounts of victims and witnesses who delivered testimonies at the confidential interviews held by the commission and through written submissions,

Emphasizing that everyone has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing

* Non-member State of the Human Rights Council.

grave concern that national elections in Eritrea have not been held since 1993 and that the Constitution of 1997 has never been implemented,

Reiterating its deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens,

Expressing deep concern at the commission's findings that systematic, widespread and gross human rights violations have been and are being committed by the Government of Eritrea, and that the violations in the areas of extrajudicial executions, torture and ill-treatment, including sexual violence and abuse, national service and forced labour may constitute crimes against humanity,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention and in life-threatening conditions, of persons for suspected of evasion of national service, attempting to flee the country or having a family member who has fled, inability to produce identity documents, being a journalist, exercising the right to freedom of religion, being perceived as critical of the Government, and of those who return to the country, as well as those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information,

Expressing grave concern at the widespread use of indefinite conscription into national service, a system that constitutes forced labour, and the reported forced conscription of children under the age of 18 into military service, and regretting that the fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Expressing grave concern also at reports that the Government of Eritrea is also forcing persons to participate in its citizen militia,

Deeply concerned that the situation of human rights in Eritrea incites an ever-increasing number of Eritreans to leave their country, often facing risks of abduction, abhorrent physical and mental abuse and other ill-treatment on their migration path, abused by smugglers and human traffickers,

Reaffirming that everyone has the right to leave any country, including his or her own, and to return to his or her country,

Noting the participation of Eritrea in the second cycle of the universal periodic review as well as its approval of several recommendations, while regretting the lack of implementation by Eritrea of the recommendations made at its first review,

Recalling the obligations of Eritrea under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. *Welcomes* the report of the commission of inquiry on the situation of human rights in Eritrea,[1] and notes the importance of the work of the commission of inquiry and the information it has collected in support of future accountability efforts;

2. *Also welcomes* the third report of the Special Rapporteur on the situation of human rights in Eritrea;[2]

[1] A/HRC/29/42.
[2] A/HRC/29/41.

3. *Strongly condemns* the systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

4. *Condemns in particular* the extrajudicial executions, enforced disappearances, torture, arbitrary and incommunicado detentions, and human rights violations in the context of indefinite national service, including those involving forced labour, forced military conscription of children and sexual violence;

5. *Expresses its deep concern* at the severe restrictions on the rights to freedom of opinion and expression, freedom of information, liberty of movement, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, and at the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

6. *Reiterates* its numerous calls upon the Government of Eritrea, without delay:

(*a*) To end its use of arbitrary detention of its citizens, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(*b*) To account for and release all political prisoners, including members of the G-15 reform group and journalists;

(*c*) To account for those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information, and to release them or to ensure that they are given a free and fair trial, with full respect for due process;

(*d*) To ensure free and fair access to an independent judicial system for those detained, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and secret courts and the practice of incommunicado detention, allowing regular access to prisoners for relatives, legal advocates and other competent and legally authorized authorities and institutions, and to grant unhindered access to medical care;

(*e*) To put an end to the system of indefinite national service by demobilizing the national service conscripts who have completed their mandatory 18 months of service, as announced by the Government of Eritrea, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(*f*) To end the practice of forcing citizens to participate in the militia;

(*g*) To investigate promptly all allegations of extrajudicial killings, torture and other cruel, inhumane and degrading treatment or punishment rape and sexual abuse within the national service, and to bring perpetrators to justice;

(*h*) To end the practice of shooting at Eritrean citizens attempting to cross the border to flee the country;

(*i*) To collaborate with human rights and humanitarian organizations and to allow them to operate in Eritrea without fear or intimidation in order to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea and the United Nations on 28 January 2013, as well as other human rights-related projects;

(*j*) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(*k*) To enhance further the promotion and protection of women's rights, including by taking additional measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(*l*) To implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its third cycle;

(*m*) To end "guilt-by-association" policies that target family members of those who evade national service or seek to flee Eritrea;

(*n*) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations by, inter alia, allowing unhindered access to a further mission by the Office as requested by the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(*o*) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of takeover on 21 January 2013 of the building housing the Ministry of Information, and the 19 Djiboutian combatants;

(*p*) To allow the creation of political parties and to hold free, fair and transparent democratic elections at all levels, in accordance with international democratic standards;

(*q*) To account for the modalities and the progress of the expert group appointed to work on a constitution for Eritrea, while implementing the Constitution of 1997 in the meantime, and to govern in accordance with the principles of the rule of law;

7. *Urges* Eritrea to make available information pertaining to the Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

8. *Calls upon* of the Government of Eritrea to take immediate and concrete steps to implement recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the country;

9. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to present an oral update to the Human Rights Council at its thirty-first session and to address and engage in an interactive dialogue with the General Assembly at its seventieth session;

10. *Also decides* to extend, for a period of one year, the mandate of the commission of inquiry to investigate systematic, widespread and gross violations of human rights in Eritrea with a view to ensuring full accountability, including where these violations may amount to crimes against humanity;

11. *Requests* the commission of inquiry to present an oral update to the General Assembly at its seventy-first session, and a written report to the Council at its thirty-second session;

12. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur and the commission of inquiry, to permit them and their staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide them with the information necessary for the fulfilment of their mandates, and underlines the importance for all States to lend their support to the Special Rapporteur and the commission of inquiry for the discharge of their mandates;

13. *Urges* the international community to cooperate fully with the Special Rapporteur and the commission of inquiry;

14. *Also urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular the increasing number of unaccompanied children;

15. *Requests* the Secretary-General to provide the Special Rapporteur and the commission of inquiry with all information and the resources necessary to fulfil their mandates;

16. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations, including the General Assembly and the Secretary-General, for appropriate action;

17. *Requests* the Office of the High Commissioner to continue to enhance engagement in improving the situation of human rights in Eritrea, and to report on progress in the cooperation between Eritrea and the Office to the Human Rights Council at its thirty-first session;

18. *Decides* to remain seized of the matter.